

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JUDY M. GUICE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:06CV1-LTS-RHW

STATE FARM FIRE AND CASUALTY, et al

DEFENDANTS

**ORDER DENYING MOTIONS FOR STAY**

Before the Court are several [29, 36, 48, 50] motions requesting stays of the Court's [25, 34] Orders that relate to discovery and class certification. Defendants argue that the any discovery or resolution of the class certification issue would be premature because there is a pending [9] Motion to Dismiss that addresses the interpretation of the insurance contract. Defendants assert that if the Motion to Dismiss is granted it would obviate the need for further discovery or briefing of the class certification issue. Defendants further argue that a ruling on the Motion to Dismiss will resolve threshold legal issues that would have an impact on the claims for class certification.

The Court notes that Plaintiff already has filed her [37] Motion to Certify Class. Plaintiff initially propounded discovery which Defendants argued was unduly burdensome. The Court agreed, and in its [34] Order of March 24, 2006, the Court granted in part the Defendants' Motion for Protective Order and limited Plaintiff's discovery on the class certification issue. Plaintiff then filed her Motion to Certify Class on April 7, 2006. Thus, the question of whether discovery would be burdensome or unwarranted, at least as it relates to the preparation of Plaintiff's Motion to Certify Class, has been rendered moot. However, Defendants have not yet responded to the Motion to Certify Class. Apparently towards that end, they have requested an interim case

management conference to address the scope of discovery, briefing schedules, and other issues relating to the class certification process.

The Court rejects Defendants' attempts to stay the deadline for class certification at this time, primarily because the issue has been rendered moot by Plaintiff's filing of the Motion to Certify Class. However, the Court grants Defendants' request for an interim case management conference to address the remaining issues of discovery and briefing of the class certification issue. This conference will be conducted in person at a time and place to be established by the Court.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' [29] Motion to Stay the [25] Scheduling Order and [36] Motion to Stay the [36] Order are DENIED.

IT IS FURTHER ORDERED that Defendants' [48, 50] Motions are GRANTED, but only to the extent that the Court will conduct an in person interim case management conference to discuss issues relating to the proceedings of the class certification issue. In all other respects, the Motion is DENIED at this time.

SO ORDERED, this the 11th day of May, 2006.

s/ Robert H. Walker  
UNITED STATES MAGISTRATE JUDGE